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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

MAIL STOP: AF

OF: BERNDL ET AL.

CONFIRMATION No.: 7665

SERIAL No. 09/857,054

GROUP ART UNIT: 1732

FILED: MAY 31, 2001

EXAMINER: MARK EASHOO

FOR: METHOD FOR PRODUCING SOLID FORMS OF ADMINISTRATION BY MELT EXTRUSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

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Signature

October 28, 2004

Date of Signature

Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.113(c) AND §1.116

Sir:

In reply to the Office action of April 06, 2004, and further to the Notice of Appeal submitted on October 06, 2004, it is respectfully requested that the following remarks be entered and considered by the Examiner:

REMARKS

Claims 1 to 5 as set forth in Appendix II of applicants' reply dated March 05, 2004, are currently pending in this case.

The Examiner takes the position that the subject matter of Claims 1 to 3 is unpatentable under Section 103(a) in light of the teaching of **Breitenbach et al.** (US 6,221,368) when taken in view of the disclosure of **Muller** (US 4,268,176) and the disclosure of **Müller** (US 4,303,344), and that the subject matter of applicants' Claims 1 to 5 is unpatentable under Section 103(a) in light of the teaching of **Breitenbach et al.** when taken in view of the disclosure of **Müller**.